

REMARKS

[0001] Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein and continued examination. Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-22 and 24-29 are presently pending. Claim 22 is amended herein. Claim 23 is cancelled herein. No new claims are added.

Statement of Substance of Interview

[0002] The Examiner graciously talked with me—the undersigned representative for the Applicant—on November 24, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0003] During the interview, I discussed how the claims differed from the cited references, namely Soloff, Cezeaux, Finster, and Byers. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments. However, no agreement was reached.

[0004] Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0005] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0006] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0007] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 22 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Substantive Matters

Claim Rejections under § 103

[0008] The Examiner rejects claims 1-29 under § 103. For the reasons set forth below, the Examiner has not made a case showing that the rejected claims are obvious. Accordingly, Applicant respectfully requests that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0009] The Examiner's rejections are based upon the following references in various combinations:

- **Soloff:** *Soloff, et al.*, US Patent Application Publication No. 2003/0192059 (published October 9, 2003);
- **Cezeaux:** *Cezeaux*, US Patent Application Publication No. 2002/0199184 (Published December 26, 2002);
- **Finster:** *Finster, et al.*, US Patent Application Publication No. 2003/0149981 (Published August 7, 2003); and
- **Byers:** *Byers, et al.*, US Patent Application Publication No. 2003/0161395 (Published August 28, 2003).

Overview of the Application

[0010] The Application discloses:

A method which initializes a client device that has an associated identifier. The identifier is communicated to a configuration server that contains configuration information associated with the client device. The configuration information is received from the configuration server and is applied to the client device.

Video data is also received from the configuration server (see the Abstract).

Cited References

[0011] The Examiner cites Soloff as the primary reference in the obviousness-based rejections. The Examiner cites Cezeaux, Finster, and Byers as secondary references in the obviousness-based rejections.

Soloff

[0012] Soloff describes:

A system (10) and method for persistent storage of common information relating to a user (25) required by multiple disparate iTV applications to be shared among said applications ... The registration information inputted by a user (25) is logged, temporarily stored in the STB (35), and its contents transmitted to a remote central repository (100) at predetermined intervals (see the Abstract).

Cezeaux

[0013] Cezeaux describes:

A system for replication of configuration information for set-top boxes is provided. A system for monitoring and blocking content being viewed by another is provided. A system that allows nontelevision programming content to be represented as a channel of an electronic program guide is provided (see the Abstract).

Finster

[0014] Finster describes a system and method for generating customized EPG data and EPG application programs.

Byers

[0015] Byers describes a method and apparatus for improving channel selection performance of compressed digital video systems.

Obviousness Rejections

Lack of Case of Obviousness (MPEP § 2142)

[0016] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making an obviousness case have not been met.

Based upon Soloff

[0017] The Examiner rejects claims 1-29 under 35 U.S.C. § 103(a) as being unpatentable over Soloff in various combinations with Cezeaux, Finster, and Byers. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0018] Applicant submits that **Soloff** teaches away from at least some of the following features as recited in this claim (with emphasis added):

- communicating the identifier associated with the client device to a configuration server, wherein the configuration server stores configuration information associated with the client device for communication to the client device;

- **receiving the configuration information** at the client device from the configuration server **each time the client device is to perform a task** which requires application of the configuration information associated with the client device;
- applying the configuration information to the client device; and

[0019] The Examiner indicates (Action, p. 2-3) the following with regard to this claim:

Claims 1-4, 6-7 and 10-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Soloff et al. (Pub. No.: US 2003/0192059) in view of Cezeaux (Pub. No.: US 2002/0199184).

Regarding claim 1, Soloff discloses a method comprising: **initializing a client device, wherein the client device has an associated identifier** (paragraph [0036], lines 28-31); **communicating the identifier associated with the client device to a configuration server** (paragraph [0048], lines 1-7) **wherein the configuration server stores configuration information associated with the client device** (paragraph 11, lines 5-7) **for communication to the client device** (paragraph [0020], lines 13-16. Soloff discloses downloading information from the central repository to the client device); **applying the configuration information to the client device** (paragraph [0020], lines 16-22); and **receiving video data from the configuration server** (paragraph [0012], lines 2-9. A television channel contains audio and video data).

Soloff does not disclose receiving information from the server every time the client device needs configuration information. However, in analogous art, Cezeaux teaches **receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (paragraph [0027], lines 26-29. Cezeaux teaches that a set-top box may maintain no local copy, but rather retrieve configuration information on an as-needed basis from a remote server). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Soloff to include the as-needed data downloads of Cezeaux. This would have produced a highly desirable result, in that reducing the amount of memory necessary in the set-top box would decrease the initial cost of said set-top box.

[0020] However, Soloff describes that:

If it were necessary to connect to the central repository every time a piece of common information was required by an application running on the remote client, the latency, or delay, introduced would likely be as frustrating to the user as entering the information multiple times (see paragraph 0015).

[0021] Thus, Soloff describes that the latency and delay associated with connecting to a central repository every time a piece of information is required would be frustrating to the user. Accordingly, Applicant submits that a person of ordinary skill in the art would not be motivated to modify Soloff to provide a method which includes receiving the configuration information at the client device from the configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device as set forth in Claim 1.

[0022] Moreover, since a person of ordinary skill would not be motivated to modify Soloff, Applicants respectfully submit that the proposed combinations of Soloff, Cezeaux, Finster, and Byers is improper. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-15

[0023] These claims ultimately depend upon independent Claim 1. As discussed above, Claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Claims 16-29

[0024] For reasons similar to the foregoing, Applicant submits that Claims 16-29 are allowable over the proposed combinations of Soloff with Cezeaux, Finster, and Byers. Accordingly, Applicant requests that the Examiner withdraw the rejection of the subject claims.

Conclusion

[0025] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

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Representatives for Applicant

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